

Exhibit 9

MALINI CHRISTINE SUCHAK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **MALINI
CHRISTINE SUCHAK**, taken pursuant to Subpoena, in
the offices of JACK W. HUNT & ASSOCIATES, INC.,
1120 Liberty Building, Buffalo, New York, on
June 19, 2024, commencing at 2:26 p.m., before
LYNNE E. DIMARCO, Notary Public.

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1 APPEARANCES: LAW OFFICE OF DANIELA NANAU, P.C.,
2 By DANIELA NANAU, ESQ.,
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Appearing for the Plaintiffs.

5 HODGSON RUSS LLP,
6 By THOMAS S. D'ANTONIO, ESQ.,
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Appearing for the Defendant.

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14:30:26 1 Q. Do you know personally Hannah Whelan?

14:30:29 2 A. Yes.

14:30:30 3 Q. Do you know personally Natassia

14:30:33 4 Tuhovak?

14:30:33 5 A. Yes.

14:30:33 6 Q. Do you know personally Lilly

14:30:35 7 Engebrecht?

14:30:35 8 A. Yes.

14:30:36 9 Q. And Cassidy Wood?

14:30:37 10 A. Yes.

14:30:38 11 Q. Okay. The five plaintiffs, did they

14:30:42 12 each one of them take classes with you?

14:30:48 13 A. Four of them took classes with me,

14:30:52 14 Lilly was never in a class of mine.

14:30:54 15 Q. Okay. How did you come to know Lilly

14:30:57 16 then?

14:30:57 17 A. She was a research student that worked

14:31:00 18 with me.

14:31:00 19 Q. Okay. When was Lilly working with you

14:31:03 20 as a research student, do you recall?

14:31:05 21 A. She started her first year and ended

14:31:09 22 her senior year, so that would have been 2016 to

14:31:16 23 2020. I might be off by a year on either end.

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15:12:00 1 Q. Okay. Sorry.

15:12:02 2 A. And I met with Dr. Beth Gill and then
15:12:05 3 later Dr. Gill and Dr. McCarthy together.

15:12:10 4 Q. And when you met with Dr. Gill
15:12:13 5 initially, did you meet with her and anyone else?

15:12:16 6 A. Joshua Russell was there.

15:12:19 7 Q. Okay. And do you recall when that
15:12:22 8 meeting was with Dr. Gill and Dr. Russell?

15:12:25 9 A. October of 2017.

15:12:27 10 Q. Okay. And beyond the issues raised in
15:12:34 11 this you preparation memorandum, did you raise any
15:12:40 12 other issues with Dr. Gill at that time?

15:12:47 13 A. Me, personally, not that I remember.

15:12:53 14 Q. Okay.

15:12:54 15 A. I mean, there were other -- Josh was
15:12:58 16 there, so he probably raised issues that aren't
15:13:01 17 listed here.

15:13:02 18 Q. Do you recall if Dr. Russell raised any
15:13:05 19 issues other than what is memorialized in your
15:13:09 20 preparation memorandum?

15:13:11 21 A. Give me a second to read what's in
15:13:14 22 here.

15:13:14 23 Q. Yeah, take your time, I'm not in a

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15:13:17 1 rush.

15:13:38 2 **A.** One thing that I remember that is not
15:13:41 3 in here that I believe Josh brought up was the use
15:13:45 4 of fitness tests for some of the trips.

15:13:51 5 **Q.** So by fitness test are we talking about
15:13:55 6 physical fitness or mental fitness?

15:13:58 7 **A.** Physical fitness.

15:13:59 8 **Q.** And what was Dr. Russell's objection to
15:14:02 9 the fitness tests for the trips?

15:14:04 10 **A.** I don't remember his precise objection
15:14:08 11 to the fitness test except that they were pretty
15:14:13 12 rigorous relative to the actual needed physicality
15:14:18 13 of the trip.

15:14:20 14 There is legitimate reason to ensure that
15:14:24 15 folks traveling into remote areas of the field
15:14:28 16 especially mountainous areas can do the physical
15:14:33 17 work. However, it seemed disproportionate to
15:14:36 18 sometimes what they would be doing.

15:14:38 19 Like they might have to run up and down 10
15:14:38 20 flights of stairs and that some students were
15:14:41 21 getting excluded from the trip because they
15:14:44 22 couldn't pass the physical fitness test.

15:14:48 23 **Q.** Is there anything else that you recall

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15:14:50 1 that Dr. Russell brought up during the meeting with
15:14:54 2 Dr. Gill?

15:14:57 3 **A.** Not off the top of my head.

15:15:00 4 **Q.** Okay. With regard to the meeting with
15:15:08 5 Dr. McCarthy, do you recall when that happened?

15:15:10 6 **A.** I think it was April of 2018.

15:15:13 7 **Q.** And what were the issues that you
15:15:15 8 discussed with Dr. McCarthy?

15:15:18 9 **A.** It was -- I use these notes for both
15:15:21 10 meetings, so it was similar issues although my
15:15:24 11 recollection is with Dr. McCarthy we focused a
15:15:28 12 little bit more on money going to ISHAR.

15:15:32 13 **Q.** From your preparation memorandum I took
15:15:40 14 it that you were questioning the legitimacy of some
15:15:44 15 of the expenses that Dr. Noonan made with ISHAR
15:15:50 16 money or the use of ISHAR money on certain
15:15:55 17 expenses.

15:15:55 18 For example, you questioned whether a
15:16:04 19 thousand dollar plus cameras had to be purchased
15:16:06 20 every year, correct?

15:16:07 21 **A.** Yes.

15:16:08 22 **Q.** And that he used students as pack mules
15:16:12 23 to haul video and photo equipment often at the

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15:48:01 1 **MR. D'ANTONIO:** Form.

15:48:02 2 **THE WITNESS:** So I think you are referring
15:48:06 3 to cervical dislocation, I think it was rats.

15:48:12 4 **BY MS. NANAU:**

15:48:12 5 **Q.** Okay.

15:48:12 6 **A.** I did not personally observe this as
15:48:15 7 this well predated my time as an undergraduate.

15:48:18 8 Cervical dislocation is a common form of
15:48:23 9 euthanasia. Now it is listed in the AVMA
15:48:25 10 guidelines as allowed with reservations or allowed
15:48:31 11 with -- there's a slight caveat to it.

15:48:33 12 It is a common form of euthanasia. This is
15:48:37 13 going to sound horrible and, I'm sorry, because
15:48:38 14 most people do not like talking about killing mice.

15:48:42 15 It is a common form of euthanasia used in
15:48:44 16 neuroscience experiments, which is the research
15:48:45 17 that he was doing at the time.

15:48:46 18 You can't use chemical forms of euthanasia
15:48:50 19 typically because it impacts brain tissue. And at
15:48:54 20 the time, which would have been in the '90s, some
15:49:00 21 people were using, for example, carbon dioxide
15:49:03 22 which asphyxiates the rats, which aside from being
15:49:07 23 terrible from a human standpoint because it takes a

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15:49:09 1 long time for them to die, you get hypoxia, right,
15:49:12 2 so you get death of brain issue.

15:49:13 3 And so when you're a neuroscientist, you
15:49:13 4 have to have a mechanism to kill the animal quickly
15:49:18 5 and humanely and also be able to get the brain
15:49:22 6 tissue quickly.

15:49:22 7 And so there's two methods, one is cervical
15:49:26 8 dislocation, which is I believe what you're to
15:49:29 9 there. The other one would be using a guillotine,
15:49:31 10 they have specially designed guillotines for rats
15:49:32 11 and mice, both require a lot of training, you know.

15:49:34 12 I never saw him do either. He was not doing
15:49:39 13 that research by the time I was a student, but that
15:49:41 14 would have been the way that it was done.

15:49:43 15 Q. Did you overlap as an
15:49:47 16 undergraduate -- well, actually, she may have been
15:49:50 17 after your time as an undergraduate. Do you know a
15:49:53 18 student at Canisius by the name of [REDACTED]

15:49:56 19 A. I know of her, I never knew her
15:49:59 20 personally.

15:50:00 21 Q. Okay. Do you believe that you
15:50:12 22 overlapped with [REDACTED] when you were a member
15:50:14 23 of the faculty, either as an adjunct or as

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16:16:05 1 **A.** Yes, we have an online course site and
16:16:09 2 so I got access to the course site which had
16:16:13 3 uploaded power points from the classes he had
16:16:15 4 already taught, so I had those power points.

16:16:18 5 I did not have anything moving forward
16:16:21 6 except for the syllabus, that was the only
16:16:23 7 information I had.

16:16:23 8 **Q.** Got it. In what other ways did his
16:16:30 9 removal from campus affect your teaching load or
16:16:35 10 your other duties as a faculty member within the
16:16:38 11 ABEC department?

16:16:40 12 **A.** So I already spoke to the class. There
16:16:43 13 was also a lab associated with the class, that was
16:16:45 14 the Saturday component.

16:16:48 15 Sue Margulis took a couple weeks of that to
16:16:51 16 give me a little extra lead time and then I picked
16:16:54 17 that up and then I was teaching Saturdays.

16:16:56 18 We picked up his advisees, which we already
16:17:04 19 had very heavy advising loads, so then we picked up
16:17:06 20 even more advisees.

16:17:07 21 We already had a very heavy advising load so
16:17:10 22 I was adding advisees to that. There's just a lot
16:17:16 23 of general chaos that we were dealing with in that

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1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF ERIE)

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5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing deposition, which was taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the deposition was then
10 reduced to writing in my presence and under my
11 direction. That the deposition was taken to be
12 used in the foregoing entitled action. That the
13 said deponent, before examination, was duly sworn
14 to testify to the truth, the whole truth and
15 nothing but the truth, relative to said action.

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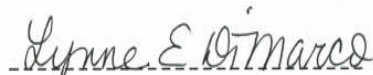
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